OFFENSE:	TAKING AN OFFICER'S	WEAPON	CASE #: 46506-16
	[ ] SUPPLEMENT	[XX]INDIVIDUAL	[]FOLLOW-UP

Delacruz continued to ignore our commands to calm down and stop. The area we were in was very small. We tried to get Delacruz on the ground. This also was very difficult due to his size and strength. We eventually got Delacruz on the ground on his back. We were still unable to get his hands behind his back or even roll him to his stomach due to the cramped space we were in and his size. We were between a hospital bed and a large glass door in a very small space. Officer Cherry administered his TASER CEW in drive stun mode for one cycle in an effort to stop Delacruz from resisting so that we could get him under control. The Taser had no effect and Delacruz continued to struggle and resist our efforts to get him under control. Delacruz started pulling himself out of the room by holding on to the door. The area we were in was so small that we kept stumbling over each other. Being mindful of Delacruz's attempt to take Officer Cherry's gun and mace, we were trying to keep the lower portion of our bodies away from him. I also told Cherry to radio for additional units. Because we were in the hospital the radio transmission was not clear and I had to also ask a second time for additional officers.

Since Delacruz was trying to get out of the room and we needed extra space, we decided to pull Delacruz into the hall. Once in the hallway, a hospital security guard asked if we needed help. With the help of the hospital security guard, were we able to roll Delacruz over to his stomach so that we could restrain him with cuffs. It took several attempts to get Delacruz on his stomach due to his size and strength. Once he was on his stomach, I was toward Delacruz's upper body trying to keep him from getting up. Delacruz kept pushing his body up and was continuing to resist. We were in the hallway with other patients and hospital staff around us. I knew we had to get Delacruz restrained for the safety of everyone involved and around us. We continued to order Delacruz to stop and to calm down but he continued to be non compliant. We were able to pull his arms far enough out away from his body that he would fall back down but once on the ground he could pull his arms back under his chest and push up again. This was repeated several times. There was a set of handcuffs on Delacruz's left wrist but we were unable to handcuff it to his right wrist. It took several pair of handcuffs linked together to handcuff Delacruz earlier so we knew that one pair would not work. We were trying to keep Delacruz down until other units could arrive and assist me, Officer Cherry, and the hospital security guard in restraining Delacruz. I wanted to keep Delacruz restrained until other officers arrived. I was concerned for the safety of other patients and staff if Delacruz had been able to get up. The struggle with Delacruz went on for several minutes.

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OFFENSE:	FENSE: TAKING AN OFFICER'S WEAPON		CASE #: 46506-16
	[ ] SUPPLEMENT	[XX] INDIVIDUAL	[]FOLLOW-UP

Officer Meaux, #434, arrived first and helped to keep Delacruz on his stomach so that we could try to restrain him. Other Officers arrived just after Officer Meaux, with the help of the other officers, we were able to get several pair of handcuffs linked together and connect the cuffs. Delacruz was handcuffed with his left hand behind his back normal but his right hand was over his shoulder. The officers were unable to handcuff him in the normal manner due to his size and struggling. I believe there were four sets of handcuffs linked together to restrain Delacruz.

After Delacruz was cuffed, everyone stepped away from him and I told the other officers to roll him over onto his back and sit him up. Once Delacruz was on his back, I noticed that he seemed to be non responsive. I placed my hand on his chest and realized he did not seem to be breathing. I immediately shouted for a doctor and told officers to get the handcuffs off of him so that he could be treated. ER personal began doing CPR and a bed was brought out from a nearby room. I grabbed his right leg by the knee and Officer Meaux took the left. Two other officers took him under his arms and we stood by until ER personnel told us to lift. We then put Delacruz on the bed. It took all four of us plus ER personnel to lift Delacruz on to the bed.

Hospital staff took him to a separate room where he was treated for the next 30 to 40 minutes. I went out to the waiting area to talk to the family and tell them the medical staff was treating and working on Delacruz. Delacruz's father was upset and sitting on the floor. I helped Delacruz's brother get the father seated in a chair. Delacruz's brother asked me if I had put Delacruz in a choke hold. I did not use any type of chokehold on Delacruz and responded accordingly. I then went back into the area near room 19 where the incident occurred. Delacruz was later pronounced dead by the ER doctor. As soon as Delacruz was moved out of the hallway for treatment, hospital staff began cleaning up the area where the struggle had taken place. I had stopped the hospital staff from moving anything in the area and had told Officer's Harper and Meaux to secure the area for photographing. I also told an officer to contact Lt. Blitch, the shift commander, who responded and took over the scene. He contacted CID and command staff personnel, who responded. I would later be told that the Jefferson County District Attorney's Office would assist in the investigation. The county crime lab also arrived to process the scene. I advised Lt. Blitch what had happened. I had no other involvement beyond this point except to answer questions for investigating officers.

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OFFENSE:	CASE #:
TAKING WEAPON FROM PI	EACE OFFICER 46506-16
[ ] SUPPLEMENT	[X] INDIVIDUAL [ ] FOLLOW-UP
COMPLANAINT:	OFFICER R. ROWE #349 UNIT # OFFICER L. CHERRY #445 UNIT #1950
ASSISTING OFFICERS:	OFFICER K. FRANK #419 UNIT #2046 OFFICER S. MEAUX #434 UNIT #2087 OFFICER S. HARPER #454 UNIT #1819 OFFICER J. GREEN #407 UNIT #2045
SUSPECT (DECEASED):	DELACRUZ, MANUEL 8/10/89 (26) M/H 3918 11 <sup>TH</sup> STREET 5'6" APPROX. 300LBS RED SHIRT/BLACK PANTS TX ID # 24578563
LOCATION OF OFFENSE:	2555 JIMMY JOHNSON BLVD SOUTHEAST TEXAS MEDICAL CENTER EMERGENCY ROOM #19

### DETAILS:

On August 2, 2016 at 4:51pm I, Officer T. Cater #409, responded to 2555 Jimmy Johnson Blvd, SETX Medical Center, to assist Officer L. Cherry with a subject that was refusing to enter the hospital for mental treatment. Officer Cherry advised that the subject, Manuel Delacruz, was walking away from him and they were in the parking lot of the Marriot Hotel, 2700 Port Plaza. Officer Cherry advised that the subject was schizophrenic.

I entered the parking lot of the Marriot and parked my clearly marked Port Arthur Police patrol vehicle by the entrance of the hotel. I exited my vehicle and went toward the rear parking lot of the hotel where Officer Cherry was trying to talk to the subject. I and Officer Cherry, were both wearing the distinctive light blue Port Arthur Police uniform. As I got to the rear parking lot, I observed Officer Cherry speaking with Manuel Delacruz, who was wearing a red shirt and black pants. Delacruz kept walking away from Officer Cherry while he was attempting to speak with him. As I approached Officer Cherry and the subject, I called the subject by his first name,

REPORTED BY	ID#	UNIT#	DATE	& TIME	APPROVED BY	1
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Manuel, and told him that we were only there to help him. Delacruz ignored me and continued to ignore Officer Cherry and continued walking through the parking lot of the Marriot. Delacruz continued to walk away ignoring me and Officer Cherry's request that he stop. Delacruz then started to run but we were close enough that we caught up to Delacruz very quick. Officer Cherry had a hold of Delacruz's right arm and I had a hold of his left arm, An individual wearing a dark shirt and brown pants approached us and was talking to Delacruz trying to calm him down and get him to stop. I was later advised this person was a family member of Delacruz. Based on the information we had, there was concern for Delacruz's safety. Delacruz was instructed by both me and Officer Cherry to put his hands behind his back but he did not immediately comply. Delacruz did struggle with us a little. However, with the help of the family member, I was able to place one set of handcuffs on Delacruz's left wrist and Officer Cherry was able to place two sets of handcuffs on Delacruz's right wrist. Even with three sets of handcuffs on Delacruz, due to his size and strength, we were still unable to link the handcuffs, to properly restrain Delacruz for his safety. Officer Green arrived on scene to assist. Officer Green was able to link a fourth set of handcuffs to Officer Cherry's two and my one set, properly restraining Delacruz for his safety. We were able to cuff Delacruz so that his arms were down by his sides. Officer Cherry advised me that he spoke with the family of Delacruz, who told him that Delacruz was suicidal and had recently tried to jump out of a moving vehicle at highway speeds.

The family member that assisted us in stopping Delacruz and calming him down expressed his appreciation for how Officer Cherry and I had handled the situation with Delacruz. The family member also advised that Delacruz had been an Olympic boxer. Delacruz was calm as we escorted him toward Officer Green's patrol unit. Once at the back passenger door of Officer Greens patrol unit, I advised Delacruz that he needed to get inside the patrol unit so that he could be brought to the hospital for treatment. Delacruz stated "ya'll are going to rape me,

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I'm not getting in". Delacruz was also worried that we were taking him to jail. I continually advised Delacruz that we only wanted to help him and bring him to the hospital and that nobody was going to rape him. Delacruz told me that he was not going to get in the patrol unit, but would be willing to walk back to the hospital. We were only two blocks from the hospital. Delacruz was calm so I decided to walk Delacruz back to the Medical Center in an effort to keep him calm. I left my patrol unit in front of the Marriot and retrieved it after walking Delacruz back to the hospital.

While walking with Delacruz, I asked him about his boxing. The family member had indicated that Delacruz was a Junior Olympic Boxing Champion and he had trained in Orange County Texas. I spoke with Delacruz about his boxing career to create a dialog thinking this would keep him calm as we walked to the hospital ambulance entrance. We were able to walk back to the hospital in a calm manner without incident. While approaching the hospital ambulance entrance, I asked Delacruz if he was thirsty. Delacruz said he was and I asked him what he would like to drink once we got inside. Delacruz said he wanted a coke. Once we got inside the hospital, I walked Delacruz to the patient refrigerator and opened it. Delacruz looked inside and I told him he could have anything from inside. Delacruz said he wanted a coke and I gave him one. We then walked to ER #19 where Delacruz was asked to sit on the hospital bed. Delacruz refused, so I allowed him to stand next to the sink in the room. Delacruz advised that he was still thirsty, so Officer Green got him some ice water. Delacruz poured out the ice water and filled the cup up with regular tap water out of the sink. Delacruz drank several cups of water and seemed to be calmed down.

Officer Cherry advised that since Delacruz was calm, Officer Green and I could go back in-service. Officer Cherry said that an emergency mental committal would be filled out by him and he would call me over the radio if he needed any help with Delacruz. When I left ER # 19, Delacruz was still in handcuffs.

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TAKING WEAPON FROM PE	EACE OFFICER	46506-16		
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At approximately 8:15pm I heard Sgt. R. Rowe check out at the hospital with Officer Cherry. I was on another call for service at 3100 Central Mall Drive. At 8:24pm I heard Sgt. R. Rowe's radio key up and a scuffle could be heard in the back ground. I left my call and began in route to SETX Medical Center. As I was leaving the parking lot of the mall, I heard Sgt. R. Rowe say that Delacruz tried to take one of their guns and they were still struggling with him. I advised channel B that I was Code 3 and took the most direct route to the hospital.

Upon arriving at the ambulance entrance, I observed Officer Harper arriving at the same time. Officer Harper and I ran inside the ER toward room #19. Once we came around the corner near the room, I saw Delacruz lying face down in the hallway. Delacruz was actively resisting Sgt. R. Rowe, Officer Cherry and Officer Meaux. Sgt. R. Rowe was on Delacruz's left side, holding him down. Officer Cherry was on Delacruz's right side, with two handcuffs linked and one on Delacruz's right wrist. Officer Meaux was at the left side of Delacruz trying to get his left arm behind his back. I assisted Officer Meaux with Delacruz's left arm. At first I was unable to place my handcuffs on Delacruz's left wrist, because he was pulling away with great strength, and his wrist was pushed tightly against his mid-back. Officer Meaux and I were able to pull his arm off his back enough to allow me to place Delacruz's left wrist in my handcuffs. Officer Cherry and I were able to link our handcuffs to restrain Delacruz.

After Delacruz was restrained, Sgt. R. Rowe and I immediately rolled Delacruz onto his back. Once Delacruz was rolled over, we saw that he seemed to be non responsive Sgt. R. Rowe immediately called for medical attention and said to take the handcuffs off Delacruz, so that he could receive medical treatment. The hand cuffs were immediately removed and the medical staff began CPR on Delacruz. A hospital bed was placed near us and the attending doctor said that he needed Delacruz on the bed. Sgt. R. Rowe, Officer Harper, Officer Cherry and I picked Delacruz up and placed him on the hospital bed. Delacruz was brought to ER #5 to further receive medical treatment.

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I left both sets of my handcuffs near ER #19 and left the hospital, because enough police were on scene and multiple calls for service were holding in the City. A short time later I was advised that Delacruz was deceased. I returned to the hospital where I met with Lt. Blitch. Delacruz had been placed in ER #5. Lt. Blitch advised me to stand guard at ER #5 and not let anyone enter the room. I stood at this post until I was advised that I needed to speak with Chief Dunlap, Major Clark, Major Odom and Major Owens. Once I was finished speaking with the Chief and Deputy Chiefs, I resumed my post at ER #5 until I was relieved by Det. Mendez.

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OFFENSE: TAKING AN OFFICER	'S WEAPON CASE	E #; 46506-16
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COMPLAINANT:

SUSPECT:

Delacruz, Manuel M/H DOB: 8/10/1989 (27 yoa) 3918 11<sup>th</sup> Street, Port Arthur, Texas, 77642 TXDL #26480519; TXID #24578563 507/209; blk/bro; tat left outer biceps

#### **DETAILS:**

On August 1, 2016 at 1651 hours, Officers with the Port Arthur Police Department were dispatched to The Medical Center of Southeast Texas in reference to a Family Disturbance. The caller, Chuck Burch, advised that his brother-in-law, the above suspect, was schizophrenic and was refusing to go inside the Emergency Room for treatment and a mental health evaluation. Officers subsequently made contact with the subject, and were able to talk him into going inside for medical treatment. Officer Cherry (Unit #445) was the initial officer to respond and later, Sergeant R. Rowe (Unit #349) was called to assist Officer Cherry at the Medical Center. Both were standing by with the suspect until he could be admitted for a Mental Health Evaluation.

At 2022 hours, Sergeant R. Rowe called for help via police radio, from inside the Emergency Room. Sergeant R. Rowe advised that the suspect was fighting officers and had attempted to take one of their guns. I was a short distance away and was the first additional responding unit to arrive at the Medical Center. I exited my patrol unit wearing the standard light blue Port Arthur Police uniform and entered the Medical Center through the emergency room entrance. As I approached the scene, I observed a large male Hispanic subject struggling with Officer Cherry and Sergeant R. Rowe on the ground in the E.R. Hallway near Room 19. Several people and patients, as well as hospital staff were in the immediate vicinity and watching the struggle between the officers and the suspect. Officers were attempting to control the suspect who was on his back and slightly turned on his left side. A SETX Medical Center Security Guard was also assisting in controlling the suspect's legs. Due to the suspects size and apparent strength, the officers and hospital security guard were struggling to restrain the suspect.

The suspect was not compliant with repeated commands by officers to put his hands behind his back and calm down. The suspect was creating an obvious risk to the safety of himself, other patients, hospital staff, and officers. The suspect had reportedly already tried to get one of the

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OFFENSE: TAKING AN OFFICER'S	S WEAPON	CASE #: 46	5506-16
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officers' guns and was continuing to be non compliant with verbal commands so it was important that we try to get him in hand restraints as soon as possible.

I, Sergeant R. Rowe, Officer Cherry, and the hospital security guard were able to get the suspect turned over onto his stomach so that we could attempt to get hand cuffs on him. Officers' were able to gain control of the suspect's right arm, however it was slightly above his head. I had the suspect's left arm in the crook of his elbow attempting to get it from under his torso to place it behind his back so we could place him in hand restraints. The suspect continued to struggle and resist. I was able to get the suspect's left arm from under him and place it behind his back. Officers T. Cater (Unit #409, and S. Harper (Unit #454) arrived about this time and all of us were finally able to get hand restraints on the suspect. Due to the large size of the suspect and his right hand being slightly above his head/shoulder area, several sets of handcuffs had to be used to secure the suspect. After the suspect was restrained, Officers disengaged with the suspect. Sergeant R. Rowe advised to turn the suspect over onto his back and sit him up.

After turning the subject on his back and preparing to sit him up, he appeared to become unresponsive. Sergeant R. Rowe administered a sternum rub on the suspect, and at the same time yelled for someone to get the E.R. Doctor. Sergeant R. Rowe also yelled for someone to remove the handcuffs from the suspect. The hand restraints were immediately removed from the suspect's right arm by Officer Harper. CPR was immediately administered by B.R. Personnel. The suspect was later pronounced deceased. Additional Supervisors were contacted and responded to the scene. Justice Of The Peace Burnett also was contacted and arrived a short time later.

ID Tech T. Lock (Unit #5162) was contacted and took some photographs of the scene. Jefferson County District Attorney's Office, as well as the Jefferson County Crime Lab also responded to investigate/process the scene. I maintained security of the scene until that time. The Digital Video Recording from my Patrol Unit (#2087) was later uploaded and placed into evidence at the Port Arthur Police Department.

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OFFENSE:	CASE#:
TAKING WEAPON FROM PI	EACE OFFICER 46506-16
[ ] SUPPLEMENT	[X] INDIVIDUAL [ ] FOLLOW-UP
COMPLANAINT:	SRGT. R. ROWE #349 OFFICER L. CHERRY #445
ASSISTING OFFICERS:	OFFICER S. MEAUX #434 OFFICER T. CATER #409 OFFICER K. FRANK #419
SUSPECT (DECEASED):	DELACRUZ, MANUEL 8/10/89 (26) M/H 3918 11 <sup>TH</sup> STREET 5'6" APPROX. 300LBS RED SHIRT/BLACK PANTS TX ID # 24578563
LOCATION OF OFFENSE:	2555 JIMMY JOHNSON BLVD SOUTHEAST TEXAS MEDICAL CENTER

### DETAILS:

On August 1, 2016 at approximately 8:22 pm, I, Officer S. Harper #454, responded to 2555 Jimmy Johnson Blvd., Southeast Texas Medical Center, in reference to an officer needing assistance. Earlier in the day at approximately 4:55 pm, several officers were dispatched to the above location in reference to a mentally ill individual, identified as Manuel Delacruz, who was refusing to go inside of the hospital for mental treatment. These officers located Delacruz down the road. They were able to speak with Delacruz and walk him back to the hospital for treatment.

EMERGENCY ROOM #19

Officer Cherry placed an emergency committal on Delacruz due to him reportedly being suicidal. Officer Cherry stayed on scene with Delacruz while the other Officers went back into service.

At approximately 6:46 pm, I heard Sergeant R. Rowe call out at the Southeast Texas Medical Center over the radio. At approximately 8:22pm, I heard Sergeant R. Rowe key up on the radio but he was very muffled. It sounded as if he was in a scuffle. I could make out that they

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needed more units to help with Delacruz. He also stated that Delacruz had already attempted to take one of their guns from them. I advised Dispatch that I was en route to the Southeast Texas Medical Center and that I would be Code 3.

At approximately 8:24 pm, I arrived at the hospital wearing my distinctive light blue Port Arthur Police uniform. Officer T. Cater pulled in a few seconds behind me. We both ran into the ambulance entrance of the Emergency Room and to room #19. When I ran around the corner, I observed Sergeant R. Rowe and Officer Cherry both on the floor in the hallway of the Emergency Room just outside room 19 struggling with a large Hispanic male who had been identified as Manuel Delacruz. Both Sergeant R. Rowe and Officer Cherry were wearing the distinctive light blue Port Arthur Police Department uniform. The Emergency Room area had numerous patients and hospital staff in close proximity to where the struggle with Delacruz was taking place. Due to Delacruz reportedly attempting to take one of the officer's gun, the size of Delacruz, and his obvious non compliance, it was clear that Delacruz posed a threat to the safety of Officers on the scene, patients in the emergency room, hospital staff, and himself. Both Sergeant R. Rowe and Officer Cherry were repeatedly giving verbal commands to Delacruz to stop struggling and to put his hands behind his back. Delacruz continued to struggle and resist Sergeant R. Rowe and Officer Cherry and was completely non compliant with their verbal commands. Due to the large size of Delacruz and his non compliance, Sergeant R. Rowe and Officer Cherry were having a difficult time getting Delacruz under control. As I approached Delacruz, Sergeant R. Rowe and Officer Cherry, Delacruz was lying partly on his stomach and partly on his side near the wall of room #19. Delacruz was wearing only a pair of black shorts and some type of boxers or briefs underneath. He had no shirt on. His head was facing towards the doorway of the room. Delacruz was actively resisting the officers' attempts to get him into hand restraints. Sergeant R. Rowe was lying on the ground, on his stomach, near the left side of Delacruz's head. Sergeant R. Rowe was at the shoulder area of Delacruz and was attempting to

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TAKING WEAPON FROM PE	ACE OFFICER	46506-16
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calm Delacruz down and get him under control. Officer Cherry was lying near the top of Delacruz's head, attempting to restrain his right hand. Officer Meaux, who arrived seconds before Officer Cater and I, was lying near Delacruz's left side, attempting to place Delacruz's left arm behind his back for restraint. There was also a hospital security guard, whose name is unknown to me, that was helping to hold Delacruz's feet down.

I ran over to Officer Cherry and began trying to help him get Delacruz's right arm under control. Delacruz had a grip on Sergeant R. Rowe's left shoulder. I was able to pull Delacruz's hand away from Sergeant R. Rowe's shoulder. Delacruz began squeezing my fingers. I then grabbed his arm near his wrist. Officer Cherry had been able to put a handcuff onto Delacruz's right wrist. Delacruz continued to resist and ignored repeated commands from officers to put his hands behind his back. Due to the size and strength of Delacruz, we were struggling to get Delacruz's left arm behind his back so that he could be restrained with handcuffs.

Officer Cater and Officer Meaux were able to get several handcuffs linked together from Delacruz's left wrist. After several minutes we were able to link all handcuffs together for full restraint. Delacruz's right arm was not behind his back, but was instead near his right shoulder. I believe that there were at least 3 sets of handcuffs required to be linked together to restrain Delacruz.

Once Delacruz was restrained, we immediately got Delacruz on to his back so that he could sit up and lean against the wall. Delacruz was breathing heavily. Once Delacruz was on his back, Sergeant R. Rowe immediately attempted to speak to Delacruz. Delacruz did not answer. Sergeant R. Rowe then rubbed Delacruz's upper chest in an attempt to get him to respond. Delacruz did not appear to respond to Sergeant R. Rowe. Sergeant R. Rowe advised us to immediately remove the handcuffs and the medical staff was called to treat Delacruz.

I leaned down and with the help of the other officers, was able to unlatch the handcuff on Delacruz's right wrist. Medical staff ran over to Delacruz and immediately began doing CPR

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TAKING WEAPON FROM PEACE OFFICER		46506-16	
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compressions on him.. Medical staff brought a rolling hospital bed and the doctors explained that we needed to place Delacruz on the bed. I grabbed part of Delacruz's shoulders and assisted other officers and medical staff in picking him up to place him on the bed.

Medical staff then rolled Delacruz on the bed to ER room #5 to continue medical treatment. I walked outside to go back into service. Officer Cherry advised over the radio that they needed an Officer to help block off the hallway where the incident occurred. I advised dispatch that I would be walking back in to assist.

Officer Meaux and I watched the hallway to ensure that no one walked down the hall or entered ER room #19 so that nothing was moved or changed. A short time later, Lt. Blitch arrived on scene. They also called ID Tech Lock out to take photographs. At some point, I was advised that Delacruz had been pronounced deceased. I stood by while ID Lock took photographs of the scene.

Chief Dunlap, Major Clark, Major Odom and Major Owens had arrived on scene. I was advised that I needed to speak with them. After speaking with them, Jefferson County Crime Lab techs took photographs of me and my hands. I then stood by ER room #5, where Delacruz's body was, to make sure no one went inside. After about 30 minutes, Lt. Blitch advised me I was clear to return to the Police Station.

I went back to the Police Station and plugged my patrol unit in to upload video. For several weeks, my camera/ body mic has had technological issues. At the time that I arrived at the hospital, my body mic was docked on the charger in my patrol unit and not on my person. I'm unsure whether my camera caught my route or my arrival to the hospital.

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